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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,755

10/24/2003

Mark Albert Feucht

07650.00103

2436

62507

7590

07/30/2007

TURNER PADGET GRAHAM & LANEY, P.A.

P.O. BOX 1509

GREENVILLE, SC 29602

EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

07/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/693,755

Applicant(s)

FEUCHT ET AL.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 18-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/28/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This office action is in response to applicant's amendment filed on April 30, 2007

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

1. Claims 9 -13, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by the US Patent No. 4,848,051 to Weisner et al.

Weisner shows and discloses a skylight with flashing profile for installation on a roof, comprising: a skylight frame (26) having a top element, a bottom element and two side elements connected together to define a rectangular shaped interior opening therein, the frame (26) being mounted to a roof surface (30) by a plurality of mounting brackets (40), a flashing profile including a rigid section (16) having a first flashing leg (19) and a second flashing leg (17), the first flashing leg (19) having a projected web portion (20) carried by and connected to one of the side element of the frame (26) by the fasteners (23), the second flashing leg (17) having a vertical raised portion (17) for mounting the frame to the roof surface (30) by the mounting brackets (40), the flashing profile also including a flexible section (46 or 47) being attached to the second flashing leg (17) by adhesive (34) and crimping, and a rigid flashing profile (13 or 14) connected to each of top and bottom elements of the frame respectively, wherein the flashing profile (16) and the rigid flashing profile (13, 14) extend along the longitudinal lengths of two different elements of the frame, the rigid section of the flashing profile (16) and the rigid flashing profile (13 or 14) made of extruded aluminum or rigid plastic, the flexible section (46) is made of synthetic polymeric material such as resilient plastic (see col. 5, lines 25).

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2. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by the US Patent No. 6,212,834 to Lindgren.

Lindgren shows and discloses a skylight with flashing profile for installation on a roof, comprising: a skylight frame (1) having a top element, a bottom element and two side elements connected together to define a rectangular shaped interior opening therein, the frame (1) being mounted to a roof surface (30) by a plurality of mounting L-shaped brackets (40), a flashing profile including a rigid section (5) having a first flashing leg (8) and a second flashing leg (6), the first flashing leg (8) being carried by and connected to one of the side element of the frame (1) by the fasteners, the second flashing leg (6 or 11) mounted to the roof surface (30), the flashing profile also including a flexible section (12) being attached to the second flashing leg (6 or 11), and a rigid flashing profile (2) connected to a top elements of the frame, wherein the rigid section (3, 4) of the flashing profile (6) extend along the longitudinal lengths of two side elements of the frame, and the rigid flashing profile (2) mounted on the upper side of the frame, the rigid section of the flashing profile (16) and the rigid flashing profile (13 or 14) made of extruded aluminum or rigid plastic, and the flexible section (12) made of sheet of resilient plastic material, and a mounting bracket (42) attached to one of the frame elements and to the first flashing leg.

3. Claims 9-10, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by the EP Patent No. 1,550,777 to Kristensen.

Kristensen shows and discloses a skylight with flashing profile for installation on a roof, comprising: a skylight frame (1) having a top element (4), a bottom element (2) and two side

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elements (3, 3) connected together to define a rectangular shaped interior opening therein, a flashing profile including a rigid section (21, 22, 23) having a first flashing leg (i.e., 21b) and a second flashing leg (21a), the first flashing leg (21b) being carried by and connected to one of the side element of the frame (1) by suitable fasteners, the second flashing leg (21a) mounted to the roof surface, the second flashing leg (21a) having a raised folded portion, the flashing profile also including a flexible section (12) being attached to the second flashing leg (6 or 11), and a rigid flashing profile (24) connected to a top element (4) of the frame, wherein the rigid section (21, 22, 23) of the flashing profile (6) extend along the longitudinal lengths of two side elements of the frame, and the rigid flashing profile (24) mounted on the upper side of the frame, the rigid section of the flashing profile (16) and the rigid flashing profile (24) made of extruded aluminum or rigid plastic, and the flexible section (22c) made of sheet of resilient plastic material, and a plurality of mounting brackets (6) attached to the flashing profile and the frame elements.

#### ***Response to Arguments***

4. Applicant's arguments filed with April 30, 2007 respect to the rejection of claims 9-17 under 35 U.S.C. 102/103 have been fully considered.

In regard to applicant's argument that the device of Weisner does not anticipated to the claimed invention because Weisner does not define "the first flashing leg carried by one of the elements of the frame" and "a flexible section attached to the second flashing leg" as claimed, examiner is not agreed. Weisner teaches a skylight with flashing profile, comprising a flashing profile having a rigid section including a first flashing leg (19) being carried by one of the elements of the frame (26) by L-shaped mounting bracket, and a second flashing leg (17)

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providing a raised portion, a flexible section (46 or 48, 47) attached to the second flashing leg (17) by adhesive (34) and/or crimping (42A) and extending outwardly as claimed.

Therefore, the reference to Weisner is considered read on the claimed invention.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

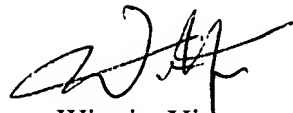
### ***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip  
Primary Examiner  
Art Unit 3636

wsy  
July 20, 2007